

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

WAYNE BAKER,

Plaintiff,

v.

CIVIL ACTION NO.: CV513-033

GRADY PERRY; Officer DELGADO;  
CHAD COLE; and Commissioner  
BRIAN OWENS,

Defendants.

**ORDER**

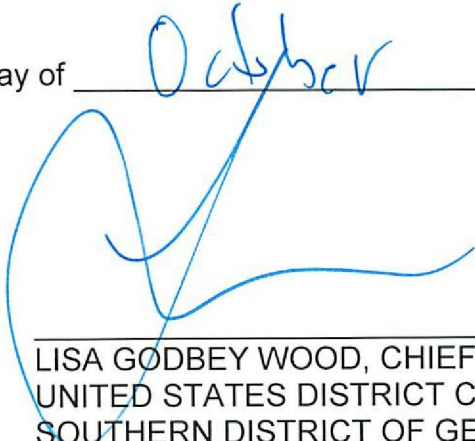
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Plaintiff has filed Objections. Plaintiff also filed an Amendment to his Complaint. In his Objections, Plaintiff states that he "can show a connection between the defendants Perry and Owens. (sic) conduct and the violation." (Doc. No. 16, p. 3). However, Plaintiff fails to make this showing. Instead, Plaintiff contends that Defendant Owens knew or should have known of the existence of a custom or policy that was not being followed. Such a general assertion is insufficient to hold Defendant Owens liable for the alleged violations of Plaintiff's constitutional rights. "A complaint must state a facially plausible claim for relief, and '[a] claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.'" Wooten v. Quicken Loans, Inc., 626 F.3d 1187, 1196 (11th Cir.

2010) (quoting Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)). "A pleading that offers labels and conclusions or a formulaic recitation of the elements of a cause of action" does not suffice. Ashcroft, 556 U.S. at 678.

For this same reason, Plaintiff cannot sustain a claim against Barry Goodrich and Mr. Miles, as he attempts to do through his amendment. Plaintiff avers that Goodrich and Miles were responsible for the assault because they were aware of "ongoing problems" and failed to take corrective action. (Doc. No. 15, p. 3). However, Plaintiff offers no factual allegations against Goodrich or Miles.

Plaintiff's Objections are **overruled**. Plaintiff's claims against Defendants Perry and Owens are **DISMISSED**.

**SO ORDERED**, this 1 day of October, 2013.



LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA